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EXAMINER

ZHONG, JUN FEI

ART UNIT	PAPER NUMBER
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2426

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02/16/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/510,169	Applicant(s) KIRIYAMA, TETSUAKI	
	Examiner JUN FEI ZHONG	Art Unit 2426	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/21/2009 has been entered.

Status of Claims

2. Claims 1-2, 4-19 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4-5, 7-13, 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kageyama et al. (EPO Pub # EP1178631, on record, published on February 6, 2002) in view of Ayanoglu et al. (Patent # US 5600663).

As to claim 1, Kageyama discloses an information distribution system comprising an information transmission apparatus (e.g., VCR 300, TV 200, or MD 400; Fig. 2) for transmitting main information and an information reception apparatus (e.g., IRD 100; Fig. 2) for receiving the main information transmitted from the information transmission apparatus, the information reception apparatus being connected to the information transmission apparatus via a network (e.g., IEEE 1394 network 1a, 1b, 1c, 1d; Fig. 2), wherein

the information transmission apparatus generates first control information (e.g., VCR 300, TV 200, or MD 400 generates notify command s21, s23, s27; Fig. 31) for making a request to the information reception apparatus for transmission of a result of a determination as to whether the information reception apparatus receives the main information and transmits the generated first control information via the network (see paragraph 0118-0123);

the information reception apparatus (e.g., IRD 100; Fig. 2), when receiving the first control information transmitted from the information transmission apparatus via the network, determines whether to receive the main information transmitted from the information transmission apparatus that has transmitted the received first control information and generates second control information (e.g., IRD 100 generates interim s22, notify of notify s24, s26, s26, or rejected s28 to TV 200, VCR 300, or MD 400) indicating a result of the determination to transmit the generated second control information to the information transmission apparatus via the network (see paragraph 0118-0123); and

the information transmission apparatus (e.g., VCR 300, TV 200, or MD 400) receives the second control information transmitted from the information reception apparatus via the network, and prohibits the transmission of the main information to the information reception apparatus if the received second control information indicates a first determination result that the main information is not received (e.g., receives response from IRD 100, notify command is not accepted s28; Fig. 31) or transmits the main information to the information reception apparatus via the network if the second control information indicates a second determination result that the main information is received (e.g., receives response from IRD 100, notify command is accepted s22; Fig. 31) (see paragraph 0118-0123),

wherein the information transmission apparatus (e.g., VCR 300) comprising:

generation means (e.g., CPU 310) for generating first control information for making a request to the information reception apparatus (e.g. CPU 310 generates a notify command) (see paragraph 0044, 0076-0080);

transmission means (e.g., IEEE 1394 I/F) for transmitting the first control information to the information reception apparatus via the network (see paragraph 0121);

reception means for receiving (e.g., IEEE 1394 I/F), via the network, second control information, the second control information indicating whether the information reception apparatus receives the main information (see paragraph 0118-0123); and

transmission control means (e.g., CPU 310),

for keeping the transmission means in a first state (e.g., status “Not Implemented”; Fig. 24a) indicating that neither the main information nor the first control information is transmitted to the information reception apparatus (see paragraph 0057, 0079-0080);

for keeping the transmission means in the second state (e.g., status “accepted”, Fig. 24a; step 26 in Fig. 31) indicating that the transmission means is permitted to transmit the main information to the information reception apparatus when the second control information indicates that no error has occurred in the received information (e.g., CRC error check is good; Fig. 23) (see paragraph 0057, 0079-0080, 0122);

for changing the second state of transmission means to a third state (e.g., status “Rejected”; Fig. 24a) indicating that the transmission means is prohibited from transmitting the main information to the information reception apparatus (see paragraph 0121),

wherein the transmission means is permitted to periodically transmit the first control information to the information reception apparatus, when the information reception apparatus does not receive the main information (e.g., target device can not accept the request, repeatedly sent the request) (see paragraph 0007, 0057, 0079-0080, 0123);

when the second control information indicates that an error has occurred in the received information (e.g., CRC error check) (see paragraph 0057, 0079-0080);

the transmission means is permitted to transmit a multiplexed signal of the main information and the first control information to the information reception apparatus via the network (i.e., IEEE 1394 protocol communicates two devices using a specific channel and band, thus the video data and control command are transmitted in the same channel (multiplexed)) (see paragraph 0092; Fig. 15)

Kageyama also discloses status reserved for future specification (e.g., field 1110 in Fig. 24A) (see paragraph 0057, 0079-0080).

Kageyama does not specifically disclose a fourth state permitted to transmit the main information with an error packet.

Ayanoglu discloses to transmit the information with an error packet to the information reception apparatus via the network (see col. 5, lines 27-62);

for changing the fourth state of transmission means to the third state, when the second control information indicates that a predetermined amount of errors have occurred in the received information (e.g., when error rate above maximum error number M, the current transmission is not accepted (rejected), and require retransmit data) (see col. 6, lines 22-49).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide error packet indication as taught by Ayanoglu to the IEEE 1394 system of Kageyama in order to recover error data during transmission.

As to claim 2, Kageyama discloses an information distribution method of an information distribution system including an information transmission apparatus (e.g., VCR 300, TV 200, or MD 400; Fig. 2) for transmitting main information and an information reception apparatus (e.g., IRD 100; Fig. 2) for receiving the main information transmitted from the information transmission apparatus, the information reception apparatus being connected to the information transmission apparatus via a network (e.g., IEEE 1394 network 1a, 1b, 1c, 1d; Fig. 2), the method comprising:

a first transmission step of generating, in the information transmission apparatus, first control information (e.g., VCR 300, TV 200, or MD 400 generates notify command s21, s23, s27; Fig. 31) for making a request to the information reception apparatus for transmission of a result of a determination as to whether the information reception apparatus receives the main information and transmitting the generated first control information via the network (see paragraph 0118-0123);

a second transmission step of determining whether the main information transmitted from the information transmission apparatus that has transmitted the received first control information is received when the information reception apparatus receives via the network the first control information transmitted from the information transmission apparatus by the processing in the first transmission step, and generating

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second control information indicating a result of the determination to transmit the generated second control information to the information transmission apparatus via the network (e.g., IRD 100 generates interim s22, notify of notify s24, or rejected s28 to TV 200, VCR 300, or MD 400) (see paragraph 0118-0123); and

a first transmission control step of receiving in the information transmission apparatus via the network the second control information transmitted from the information reception apparatus by the processing in the second transmission step, and prohibiting the transmission of the main information to the information reception apparatus if the received second control information indicates a first determination result that the main information is not received (e.g., receives response from IRD 100, notify command is not accepted s28; Fig. 31) or permitting the main information to be transmitted to the information reception apparatus via the network if the second control information indicates a second determination result that the main information is received (e.g., receives response from IRD 100, notify command is accepted s22; Fig. 31) (see paragraph 0118-0123);

a second transmission control step of keeping the transmission apparatus in a first state indicating that neither the main information nor the first control information is transmitted to the information reception apparatus (e.g., status "Not Implemented"; Fig. 24a) (see paragraph 0057, 0079-0080);

a third transmission control step of keeping the transmission apparatus in the second state indicating that the transmission apparatus is permitted to transmit the main information to the information reception apparatus when the second control information

indicates that no error has occurred in the received information (e.g., status “accepted”; CRC error check is good; Fig. 23, 24A) (see paragraph 0057, 0079-0080);

a fourth transmission control step of changing the second state of transmission apparatus to a third state indicating that the transmission apparatus is prohibited from transmitting the main information to the information reception apparatus (see paragraph 0121),

wherein the transmission means is permitted to periodically transmit the first control information to the information reception apparatus, when the information reception apparatus does not receive the main information (e.g., status “Rejected”; Fig. 24a) (e.g., target device can not accept the request, repeatedly sent the request) (see paragraph 0007, 0057, 0079-0080, 0123);

the transmission apparatus is permitted to transmit a multiplexed signal of the main information and the first control information to the information reception apparatus via the network (i.e., IEEE 1394 protocol communicates two devices using a specific channel and band, thus the video data and control command are transmitted in the same channel (multiplexed)) (see paragraph 0092; Fig. 15), when the second control information indicates that an error has occurred in the received information (e.g., CRC error check) (see paragraph 0057, 0079-0080);

Kageyama also discloses status reserved for future specification (e.g., field 1110 in Fig. 24A) (see paragraph 0057, 0079-0080),

Kageyama does not specifically disclose a fifth state permitted to transmit the main information with an error packet.

Ayanoglu discloses to transmit the information with an error packet to the information reception apparatus via the network (see col. 5, lines 27-62);

a sixth transmission control step of changing the fourth state of transmission apparatus to the third state, when the second control information indicates that a predetermined amount of errors have occurred in the received information (e.g., when error rate below maximum error number M, the current transmission is accepted, and does not require retransmit data) (see col. 6, lines 22-49).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide error packet indication as taught by Ayanoglu to the IEEE 1394 system of Kageyama in order to recover error data during transmission.

As to claim 4, Kageyama discloses the information transmission apparatus according to claim 1, wherein the transmission means transmits the first control information with the main information when the transmission means transmits the main information (see paragraph 0118-0123 and 0137).

As to claim 5, Kageyama discloses the information transmission apparatus according to claim 1; wherein the transmission means transmits the first control information at a predetermined time interval (see paragraph 0078).

As to claim 7, Kageyama discloses the information transmission apparatus according to claim 1, wherein if the second control information is information indicating a

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reception state at the information reception apparatus, the transmission control means determines that the second control information indicates a determination result that the information reception apparatus receives the main information and permits the transmission means to transmit the main information to the information reception apparatus via the network (see paragraph 0008-0009, 0079-0080, 0118-0123).

As to claim 8, Kageyama discloses the information transmission apparatus according to claim 7, wherein the reception state is represented by a state of occurrence of an error in the main information received by the information reception apparatus (see paragraph 0081; Fig. 23).

As to claim 9, Kageyama discloses an information transmission method of an information transmission apparatus (e.g., VCR 300, TV 200, or MD 400; Fig. 2) connected to an information reception apparatus (e.g., IRD 100; Fig. 2) via a network, the method comprising:

a generation step of generating first control information for making a request (e.g., VCR 300, TV 200, or MD 400 generates notify command s21, s23, s27; Fig. 31) to the information reception apparatus for transmission of a result of a determination as to whether the information reception apparatus receives main information (see paragraph 0118-0123);

a transmission step of transmitting the first control information generated by the processing in the generation step to the information reception apparatus via the network

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(e.g., IEEE 1394 I/F sends command via IEEE 1394 network) (see paragraph 0118-0123);

a reception step of receiving, via the network, second control information transmitted from the information reception apparatus as a response to the first control information transmitted by the processing in the transmission step, the second control information indicating a result of a determination as to whether the information reception apparatus receives the main information (e.g., IRD 100 generates interim s22, notify of notify s24, or rejected s28 to TV 200, VCR 300, or MD 400) (see paragraph 0118-0123);

a first transmission control step of receiving in the information transmission apparatus via the network the second control information transmitted from the information reception apparatus by the processing in the second transmission step, and prohibiting the transmission of the main information to the information reception apparatus if the received second control information indicates a first determination result that the main information is not received (e.g., receives response from IRD 100, notify command is not accepted s28; Fig. 31) or permitting the main information to be transmitted to the information reception apparatus via the network if the second control information indicates a second determination result that the main information is received (e.g., receives response from IRD 100, notify command is accepted s22; Fig. 31) (see paragraph 0118-0123);

a second transmission control step of keeping the transmission apparatus in a first state indicating that neither the main information nor the first control information is

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transmitted to the information reception apparatus (e.g., status “Not Implemented”; Fig. 24a) (see paragraph 0057, 0079-0080);

a third transmission control step of keeping the transmission apparatus in the second state indicating that the transmission apparatus is permitted to transmit the main information to the information reception apparatus when the second control information indicates that no error has occurred in the received information (e.g., status “accepted”; CRC error check is good; Fig. 23, 24A) (see paragraph 0057, 0079-0080);

a fourth transmission control step of changing the second state of transmission apparatus to a third state indicating that the transmission apparatus is prohibited from transmitting the main information to the information reception apparatus (see paragraph 0121),

wherein the transmission means is permitted to periodically transmit the first control information to the information reception apparatus, when the information reception apparatus does not receive the main information (e.g., status “Rejected”; Fig. 24a) (e.g., target device can not accept the request, repeatedly sent the request) (see paragraph 0007, 0057, 0079-0080, 0123);

the transmission apparatus is permitted to transmit a multiplexed signal of the main information and the first control information to the information reception apparatus via the network (i.e., IEEE 1394 protocol communicates two devices using a specific channel and band, thus the video data and control command are transmitted in the same channel (multiplexed)) (see paragraph 0092; Fig. 15), when the second control

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information indicates that an error has occurred in the received information (e.g., CRC error check) (see paragraph 0057, 0079-0080);

Kageyama discloses status reserved for future specification (e.g., field 1110 in Fig. 24A) (see paragraph 0057, 0079-0080),

Kageyama does not specifically disclose a state permitted to transmit the main information with an error packet.

Ayanoglu discloses to transmit the information with an error packet to the information reception apparatus via the network (see col. 5, lines 27-62);

a sixth transmission control step of changing the fourth state of transmission apparatus to the third state, when the second control information indicates that a predetermined amount of errors have occurred in the received information (e.g., when error rate below maximum error number M, the current transmission is accepted, and does not require retransmit data) (see col. 6, lines 22-49).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide error packet indication as taught by Ayanoglu to the IEEE 1394 system of Kageyama in order to recover error data during transmission.

As to claims 10-11, they contain the limitations of claim 9 and are analyzed as previously discussed with respect to claim 9 above.

As to claim 12, Kageyama discloses an information reception apparatus connected to an information transmission apparatus for transmitting main information via a network, comprising:

reception means (e.g., IRD 100; Fig. 2) for receiving first control information transmitted from the information transmission apparatus via the network, the first control information making a request for transmission of a result of a determination as to whether the main information is received (e.g., VCR 300, TV 200, or MD 400 generates notify command s21, s23, s27; Fig. 31) (see paragraph 0118-0123);

generation means for determining whether the main information transmitted from the information transmission apparatus that has transmitted the first control information is received when the first control information is received by the reception means and generating second control information indicating a result of the determination (e.g., IRD 100 generates interim s22, notify of notify s24, or rejected s28 to TV 200, VCR 300, or MD 400) (see paragraph 0118-0123);

transmission means for transmitting the second control information generated by the generation means to the information transmission apparatus via the network (e.g., IEEE 1394 I/F sends command via IEEE 1394 network) (see paragraph 0118-0123);
and

reception control means (e.g., CPU 310),

for keeping the reception means in a first reception state indicating that the reception means rejects to receive the main information from the transmission apparatuses when the information reception apparatus does not

receive the main information (e.g., status “Rejected”; Fig. 24a) (e.g., target device can not accept the request) (see paragraph 0057, 0079-0080, 0123);

for keeping the reception means in a second reception state indicating that the reception means has not received, but is ready for receiving the main information from the transmission apparatuses and periodically receives the first control information transmitted from the information transmission apparatus, when the information reception apparatus does not receive the main information (e.g., status “Interim”; Fig. 24a) (e.g., target device can not accept the request, repeatedly sent the request) (see paragraph 0007, 0057, 0079-0080, 0123);

for changing the second reception state of reception means to a third reception state indicating that reception means is receiving the main information from the transmission apparatuses when the second control information indicates that no error has occurred in the received information (e.g., status “accepted”; CRC error check is good; Fig. 23, 24A) (see paragraph 0057, 0079-0080); and

for keeping the reception means in the reception state indicating that reception means is receiving a multiplexed signal of the main information and the first control information from the transmission apparatuses (i.e., IEEE 1394 protocol communicates two devices using a specific channel and band, thus the video data and control command are transmitted in the same channel (multiplexed)) (see paragraph 0092; Fig. 15);

Kageyama discloses status reserved for future specification (e.g., field 1110 in Fig. 24A) and CRC error check (see paragraph 0057, 0079-0080),

Kageyama does not specifically disclose a state permitted to transmit the main information with an error packet.

Ayanoglu discloses to transmit the information with an error packet to the information reception apparatus via the network (see col. 5, lines 27-62);

for keeping the reception means in the third reception state when the second control information indicates that no error has occurred in the received information, or when the second control information indicates the information reception apparatus does not receive the main information, or when the second control information indicates that an error has occurred in the received information (e.g., when error rate below maximum error number M, the current transmission is accepted, and does not require retransmit data) (see col. 6, lines 22-49).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide error packet indication as taught by Ayanoglu to the IEEE 1394 system of Kageyama in order to recover error data during transmission.

As to claim 13, Kageyama discloses the information reception apparatus according to claim 12, wherein

the information reception apparatus is connected to a first information transmission apparatus and to a second information transmission apparatus via the network;

the generation means determines that the main information transmitted from the second information transmission apparatus is not received when the first control information is received from the second information transmission apparatus while the main information transmitted from the first information transmission apparatus is being received by the reception means, and generates second control information indicating a result of the determination; and

the transmission means transmits the second information generated by the generation means to the second information transmission apparatus via the network (see paragraph 0008-0009, 00079-0081, 0118-0123).

As to claim 15, Kageyama discloses the information reception apparatus according to claim 12, wherein the generation means generates information indicating a reception state at the information reception apparatus as the second control information when a determination is made that the main information is received (see paragraph 0008-0009, 0079-0081, 0118-0123).

As to claim 16, Kageyama discloses the information reception apparatus according to claim 15, wherein the reception state is represented by a state of occurrence of an error in the main information received by the reception means (see paragraph 0081; Fig. 23).

As to claim 17, Kageyama discloses an information reception method of an information reception apparatus connected to an information transmission apparatus for transmitting main information via a network, comprising:

a reception step of receiving first control information transmitted from the information transmission apparatus via the network, the first control information making a request for transmission of a result of a determination as to whether the main information is received (e.g., IRD 100 generates interim s22, notify of notify s24, or rejected s28 to TV 200, VCR 300, or MD 400) (see paragraph 0118-0123);

a generation step of determining whether the main information transmitted from the information transmission apparatus that has transmitted the first control information is received when the first control information is received by the processing in the reception step and generating second control information indicating a result of the determination (e.g., VCR 300, TV 200, or MD 400 generates notify command s21, s23, s27; Fig. 31) (see paragraph 0118-0123);

a transmission step of transmitting the second control information generated by the processing in the generation step to the information transmission apparatus via the network (e.g., IEEE 1394 I/F sends command via IEEE 1394 network) (see paragraph 0118-0123);

a first reception control step of keeping the reception apparatus in a first reception state indicating that the reception apparatus rejects to receive the main information from the transmission apparatuses and periodically receives the first control information transmitted from the information transmission apparatus, when the

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information reception apparatus does not receive the main information (e.g., status “Rejected”; Fig. 24a) (e.g., target device can not accept the request, repeatedly sent the request) (see paragraph 0007, 0057, 0079-0080, 0123);

a second reception control step of keeping the reception apparatus in a second reception state indicating that the reception apparatus has not received, but is ready, for receiving the main information from the transmission apparatuses when the information reception apparatus does not receive the main information (e.g., status “Interim”; Fig. 24a) (e.g., target device can not accept the request) (see paragraph 0057, 0079-0080, 0123);

a third reception control step of changing the second reception state of reception apparatus to a third reception state indicating that reception apparatus is receiving the main information from the transmission apparatuses when the second control information indicates that no error has occurred in the received information (e.g., status “accepted”; CRC error check is good; Fig. 23, 24A) (see paragraph 0057, 0079-0080); and

for keeping the reception apparatus in the reception state indicating that reception means is receiving a multiplexed signal of the main information and the first control information from the transmission apparatuses (i.e., IEEE 1394 protocol communicates two devices using a specific channel and band, thus the video data and control command are transmitted in the same channel (multiplexed)) (see paragraph 0092; Fig. 15)

Kageyama discloses status reserved for future specification (e.g., field 1110 in Fig. 24A) and CRC error check (see paragraph 0057, 0079-0080),

Kageyama does not specifically disclose a state permitted to transmit the main information with an error packet.

Ayanoglu discloses to transmit the information with an error packet to the information reception apparatus via the network (see col. 5, lines 27-62);

a fourth reception control step of keeping the reception apparatus in the third reception state when the second control information indicates that no error has occurred in the received information, or when the second control information indicates the information reception apparatus does not receive the main information, or when the second control information indicates that an error has occurred in the received information (e.g., when error rate below maximum error number M, the current transmission is accepted, and does not require retransmit data) (see col. 6, lines 22-49).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide error packet indication as taught by Ayanoglu to the IEEE 1394 system of Kageyama in order to recover error data during transmission.

As to claims 18-19, they contain the limitations of claim 17 and are analyzed as previously discussed with respect to claim 17 above.

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5. Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kageyama et al. (EPO Pub # EP1178631, published on February 6, 2002) in view of Ayanoglu, further in view of Nagai et al. (Patent # US 7287201).

As to claims 6 and 14, note the discussion above.

Kageyama and Ayanoglu fail to disclose RTCP packet information.

Nagai discloses RTCP packet information (see col. 5, lines 51-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have RTCP packet information as taught by Nagai to the IEEE1394 network system of Kageyama in order to provide a more reliable system that providing feedback on quality of service.

Response to Arguments

6. Applicant's arguments with respect to claims 1-2, 4-19 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that Kageyama is disqualified as § 103 prior art to the present application under the provisions of 35 U.S.C. § 103(c).

However, the examiner respectfully disagrees. It is correct that under the provisions of 35 U.S.C. § 103(c), as amended on November 29, 1999, subject matter developed by another person, which qualifies as prior art only under one of more of subsections (e), (f) and (g) of 35 U.S.C. § 102, shall not preclude patentability under § 103 where the subject matter and the claimed invention were, at the time the invention

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was made, owned by the same person or subject to an obligation of assignment to the same person or organization.

However, Kageyama (EP 1178631) was published on February 6, 2002, which is qualified as prior art under 35 U.S.C. § 102 (a). Thus, 35 U.S.C. § 103 (c) will not applied, see MPEP 706.02(I)(3).

Conclusion

7. Claims 1-2, 4-19 are rejected.
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Smyers et al. (Pub # US 2001/0044866) is cited to teach IEEE 1394 data flowing.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUN FEI ZHONG whose telephone number is (571)270-1708. The examiner can normally be reached on M-F, 7:30~5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hirl can be reached on 571-272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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JFZ

10/8/2009

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